

State of Wisconsin



1995 Senate Bill 491

Date of enactment: **April 22, 1996**

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1995 WISCONSIN ACT 270

AN ACT *to renumber* 66.069 (2) (c); *to amend* 43.53 (1) and 62.13 (1); and *to create* 43.15 (2) (e), 43.15 (4) (e), 62.13 (2m), 66.028 and 66.069 (2) (c) 2. of the statutes; **relating to:** the ability of municipalities to agree to provide water utility service in incorporated areas, municipal revenue sharing agreements, authorizing cities to create joint police departments and joint fire departments, eliminating the requirement that municipalities be contiguous in order to form a joint library, and public library system eligibility requirements.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

[ENROLLING NOTE BY THE LEGISLATIVE REFERENCE BUREAU: This act is 1995 Senate Bill 491, as amended. The bill was developed by the joint legislative council's special committee on shared governmental services. 1995 Senate Bill 491, as initially introduced, contained a PREFATORY NOTE and another NOTE, which were provided by the joint legislative council. The PREFATORY NOTE was deleted from the act because amendments affected those parts of the bill.]

SECTION 5. 43.15 (2) (e) of the statutes is created to read:

43.15 (2) (e) The division shall adjust the 3-year average requirement under par. (b) in any year, as necessary, to reflect the cost savings resulting from the consolidation or sharing of library services if the county does all of the following:

1. Demonstrates, to the satisfaction of the division, that the county's support for library services is or will be lower than otherwise required by par. (b) because library services supported by the county have been or will be consolidated or shared.

2. Submits a plan demonstrating, to the satisfaction of the division, that services to library patrons following the consolidation or sharing of services will be at least

substantially equivalent to the services available to patrons before the consolidation or sharing.

SECTION 6. 43.15 (4) (e) of the statutes is created to read:

43.15 (4) (e) The division shall adjust the 3-year average requirement under par. (c) 5. in any year, as necessary, to reflect the cost savings resulting from the consolidation or sharing of library services if the municipal governing body or county board does all of the following:

1. Demonstrates, to the satisfaction of the division, that the funding provided by the municipality or county for library services is or will be lower than otherwise required by par. (c) 5. because library services for which the funding is appropriated have been or will be consolidated or shared.

2. Submits a plan demonstrating, to the satisfaction of the division, that services to library patrons following the consolidation or sharing of services will be at least substantially equivalent to the services available to patrons before the consolidation or sharing.

SECTION 7. 43.53 (1) of the statutes is amended to read:

43.53 (1) Joint libraries may be created by any 2 or more ~~contiguous~~ municipalities or by a county and one or

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

more municipalities located in whole or in part in the county, by appropriate agreement of their governing bodies. Section 43.52 applies to joint libraries.

SECTION 10. 62.13 (1) of the statutes is amended to read:

62.13 (1) COMMISSIONERS. Each Except as provided in sub. (2m), each city shall have a board of police and fire commissioners consisting of 5 citizens, 3 of whom shall constitute a quorum. The mayor shall annually, between the last Monday of April and the first Monday of May, appoint in writing to be filed with the secretary of the board, one member for a term of 5 years. No appointment shall be made which will result in more than 3 members of the board belonging to the same political party. The board shall keep a record of its proceedings.

SECTION 11. 62.13 (2m) of the statutes is created to read:

62.13 (2m) JOINT DEPARTMENTS, CONTRACT SERVICES.

(a) A city may create a joint police department or a joint fire department, or both, with another city.

(b) A city that creates a joint police department or a joint fire department, or both, with another city under par. (a) is not required to create a separate board of police and fire commissioners under this section. The cities shall create a joint board of commissioners to govern the joint department. If only one joint department is created, each city shall retain its existing board of police and fire commissioners to govern the separate department. The cities may jointly determine the number of commissioners to be appointed to the joint board by each city and the length of the commissioners' terms. A majority of the commissioners is a quorum. A joint board of commissioners that is created under this paragraph to govern a joint police department is subject to the provisions of subs. (3) to (7n), a joint board of commissioners that is created under this paragraph to govern a joint fire department is subject to the provisions of subs. (8) to (12) and a joint board of commissioners that is created under this paragraph to govern a joint police and fire department is subject to the provisions of subs. (2) to (12).

SECTION 12. 66.028 of the statutes is created to read:

66.028 Municipal revenue sharing. (1) DEFINITION. In this section, "municipality" means a city, village or town.

(2) MUNICIPAL REVENUE SHARING AGREEMENT. Subject to the requirements of this section, any 2 or more municipalities may, by a majority vote of a quorum of their governing bodies, enter into an agreement to share all or a specified part of revenues derived from taxes and special charges, as defined in s. 74.01 (4). One or more municipalities may enter into agreements under this section with federally recognized American Indian tribes or bands.

(3) PUBLIC HEARING. At least 30 days before entering into an agreement under sub. (2), a municipality shall hold a public hearing on the proposed agreement. Notice

of the hearing shall be published as a class 3 notice under ch. 985.

(4) SPECIFICATIONS. (a) An agreement entered into under sub. (2) shall meet all of the following conditions:

1. The term of the agreement shall be for at least 10 years.

2. The boundaries of the area within which the revenues are to be shared in the agreement shall be specified.

3. The formula or other means of determining the amount of revenues to be shared under the agreement shall be specified.

4. The date upon which revenues agreed to be shared under the agreement shall be paid to the appropriate municipality shall be specified.

5. The method by which the agreement may be invalidated after the expiration of the minimum period specified in par. (a) 1. shall be specified.

(b) An agreement entered into under sub. (2) may address any other appropriate matters, including any agreements with respect to services or agreements with respect to municipal boundaries under s. 66.023 or 66.027.

(5) CONTIGUOUS BOUNDARIES. No municipality may enter into an agreement under sub. (2) with one or more municipalities unless the municipality is contiguous to at least one other municipality that enters into the agreement.

(6) ADVISORY REFERENDUM. (a) Within 30 days after the hearing under sub. (3), the governing body of a participating municipality may adopt a resolution calling for an advisory referendum on the agreement. An advisory referendum shall be held if, within 30 days after the hearing under sub. (3), a petition, signed by a number of qualified electors equal to at least 10% of the votes cast for governor in the municipality at the last gubernatorial election, is filed with the clerk of a participating municipality, requesting an advisory referendum on the revenue sharing plan. The petition shall conform to the requirements of s. 8.40. If an advisory referendum is held, the municipality's governing body may not vote to approve the agreement under sub. (2) until the report under par. (d) is filed.

(b) The advisory referendum shall be held within 30 days after adoption of the resolution under par. (a) calling for the referendum or within 30 days after receipt of the petition under par. (a) by the municipal clerk. The municipal clerk shall give notice of the referendum by publishing a notice in a newspaper of general circulation in the municipality, both on the publication day next preceding the advisory referendum election and one week prior to that publication date.

(c) The advisory referendum shall be conducted by the municipal election officials. The governing body of the municipality may specify the number of election officials for the referendum. The ballots shall contain the words "For the revenue sharing agreement" and "Against the revenue sharing agreement" and shall otherwise conform to the provisions of s. 5.64 (2). The election shall

be conducted as are other municipal elections in accordance with chs. 6 and 7, insofar as applicable.

(d) The election inspectors shall report the results of the election, showing the total number of votes cast and the numbers cast for and against the revenue sharing. The election inspectors shall attach their affidavit to the report and immediately file the report in the office of the municipal clerk.

(e) The costs of the advisory referendum election shall be borne by the municipality that holds the election.

NOTE: The special committee intends that municipalities which enter municipal revenue sharing agreements under this SECTION may consider, as part of the agreement, the cooperative provision of services which include but are not limited to the following: police and fire protection; public landmarks; tree care; general public works; municipal buildings, including jails, juvenile detention facilities, fire halls, police stations, garages and civic centers; weed, litter and nuisance control; sewer supply; surface and groundwater supply; septage and sludge control; planning, subdivision control and zoning; solid waste, hazardous waste and recyclable material collection; solid waste, hazardous waste, recyclable material treatment, processing, storage and disposal; health care; elections; personnel management services; general administrative services; legal services; assessment and tax collection services; accounting services; risk management and insurance services; bond services; investment services; financial services; judicial services; engineering and planning services; audit

services; general public infrastructure repair and maintenance; cable television; public utilities (electricity, gas, water, sewer); telecommunications; community development and promotion, including industrial, commercial and residential housing sites; transit and transportation, including roads, bridges, trails, sidewalks, curbs and gutters, culverts, parking facilities, airports, docks and signs; libraries and museums; outdoor and indoor recreation; forestry and conservation; harbors; dams and drainage; water safety patrol; building inspection; humane animal treatment; cemeteries; nursing homes, hospitals, clinics and ambulances; day care; general environmental protection; nonmetallic mining; and general and municipal officer and employee education and training.

SECTION 12g. 66.069 (2) (c) of the statutes is renumbered 66.069 (2) (c) 1.

SECTION 12r. 66.069 (2) (c) 2. of the statutes is created to read:

66.069 (2) (c) 2. Notwithstanding s. 196.58 (5), a municipality that operates a utility that provides water service may enter into an agreement with a city or village to provide water service to all or a part of that city or village. The agreement shall delineate the area within which service will be provided and the municipal water utility shall have no obligation to serve beyond the area so delineated. The agreement is not effective to limit any obligation to serve which may have existed at the time the agreement was entered into.